

35-202 Conventional and Enclave Subdivisions

The purpose of this section is to establish criteria and procedures for the processing of single-family residential subdivisions consisting of "Conventional Subdivisions" with public streets and "Enclave Subdivisions" with private streets constructed to public street standards. This Conventional Use Pattern has been the dominant pattern of development in ~~metropolitan~~ many areas in Texas and the United States during the past fifty years while the Enclave subdivision is a predecessor to older municipal and county codes in Texas which allow for the subdivision of property with private streets. Conventional and Enclave subdivisions often may feature curvilinear streets and cul-de-sacs, few points of access into the subdivision, and large ~~front~~ yards.

(a) Applicability

The provisions of this Section apply to any application for Subdivision Plat approval for a "Conventional Subdivision" with public streets or an "Enclave Subdivision" with private streets within a Base Zoning District or within the ETJ, except as otherwise provided in this Chapter.

(b) Processing Procedures

• Generally

~~A~~ Conventional and Enclave Subdivisions shall be processed pursuant to the review procedures for subdivision plats as set forth in Article 4 of this Chapter. Variances shall be processed as set forth in subsections (2) and (3), below, except for Applications within the Edwards Recharge Zone District (ERZD) or Utility Conversion Districts.

• Variances – Incorporated Areas

Within the incorporated areas of the City:

- A variance to the requirements of subsection (c) shall be processed in accordance with § 35-482 of this Chapter.
- A variance to the requirements of subsections (b) and (d) through (n) shall be processed in accordance with § 35-483 of this Chapter.

• Variances – Extraterritorial Jurisdiction

Within the ETJ, variances shall be processed in accordance with § 35-483 of this Chapter.

(c) Size And Location Of Site

1 There is no minimum ~~or maximum~~ size for a Conventional or Enclave Subdivision~~s~~.
2 There is a maximum subdivision size of 30 acres for an Enclave Subdivision.

3
4 **(d) Uses & Density**

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6 A Conventional and Enclave Subdivisions shall comply with the standards of the zoning
7 district in which ~~it is~~ they are located. Conventional and Enclave subdivisions are subject
8 to the minimum lot size requirements of the Dimensional Matrix (35-310, Table 310-1).
9 The provisions of this subsection do not apply to the City's extraterritorial jurisdiction.

10
11 **(e) Traffic Impact Analysis**

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13 A Conventional and Enclave Subdivisions shall comply with the Traffic Impact Analysis
14 Standards of this Chapter.

15
16 **(f) Lot Layout**

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18 A Conventional and Enclave Subdivisions shall comply with the Lot Layout Standards of
19 this Chapter.

20
21 **(g) Transportation**

22
23 A Conventional and Enclave Subdivisions shall comply with the Transportation
24 Standards of this Chapter. See Table 202-1, below, for illustration of street design
25 guidelines of Table 506-3.

26
27 **(h) Stormwater Management**

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29 A Conventional and Enclave Subdivisions shall comply with the Stormwater
30 Management Standards, § 35-504 of this Chapter.

31
32 **(i) Utilities**

33
34 See Utilities Standards, § 35-507 of this Chapter.

35
36 **(j) Parks & Open Space**

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38 A Conventional and Enclave Subdivisions shall comply with the Parks and Open Space
39 Standards of this Chapter.

40
41 **(k) Natural Resource Protection**

42
43 A Conventional and Enclave Subdivisions shall comply with the Natural Resource
44 Protection Standards of this Chapter.

45
46 **(l) Buffers, Landscaping, Streetscape Planting & Tree Preservation**

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2 A Conventional and Enclave Subdivisions within the incorporated areas of the City shall
3 comply with the Landscaping, Screening and Buffering Standards of this Chapter to the
4 extent required by Article 5, Division 3 of this Chapter. A Conventional and Enclave
5 Subdivisions within the City and the ETJ shall be subject to the Tree Preservation
6 Standards of this Chapter to the extent required by § 35-513 of this Chapter.

7
8 **(m) Parking**

9
10 A Conventional and Enclave Subdivisions shall comply with the Parking Standards of
11 this Chapter.

12
13 **(n) Outdoor Storage**

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15 A Conventional and Enclave Subdivisions shall comply with the Outdoor Storage
16 Standards of this Chapter.

17
18 **(o) Urban Design**

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20 A Conventional and Enclave Subdivisions shall not be subject to the Urban Design
21 Standards of this Chapter.

22
23 **(p) Common Areas and Facilities**

24
25 Provisions shall be made for a property owners' association that is designated as the
26 representative of the owners of property in a residential subdivision. The property
27 owners' association shall have the direct responsibility to provide for the operation and
28 maintenance of all common areas and facilities, including private streets and sidewalks,
29 which are a part of the Enclave Subdivision. The applicant shall submit the dedicatory
30 instrument(s) covering the establishment, maintenance, and operation of a residential
31 subdivision. The dedicatory instrument(s) shall establish a plan for the use and
32 permanent maintenance of the common areas/facilities and demonstrate that the property
33 owners' association is self-perpetuating and adequately funded by regular assessment
34 and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall
35 include provisions that provide the city with permission for access at any time without
36 liability when on official business, and further, to permit the city to remove obstructions
37 if necessary for emergency vehicle access and assess the cost of removal to the owner of
38 the obstruction. The dedicatory instrument(s) must be approved by the City Attorney as
39 to legal form prior to any plat recordation and shall be recorded at the same time as the
40 plat.

41
42 "Property owners' association" means an incorporated or unincorporated association that;

- 43 a. is designated as the representative of the owners of property in a residential
44 subdivision;
45 b. that has a membership primarily consisting of the owners of property covered
46 by the dedicatory instrument for the residential subdivision; and

- 1 c. that manages or regulates the residential subdivision for the benefit of the
2 owners of property in the subdivision.

3
4 "Dedictory instrument" means each governing instrument covering the establishment,
5 maintenance, and operation of a residential subdivision. The term includes restrictions or
6 other similar instruments subjecting property to restrictive covenants, bylaws, or similar
7 instruments governing the administration or operation of a property owners' association,
8 to properly adopted rules and regulations of the property owners' association, and to all
9 lawful amendments to the covenants, bylaws, rules, or regulations.

10
11 "Property owners' association" means the designated representative of the owners of
12 property in a subdivision and may be referred to as a "homeowners association,"
13 "community association," "civic association," "civic club," "association," "committee,"
14 or similar term contained in the dedicatory instrument.

15
16 "Regular assessment" means an assessment, a charge, a fee, or dues that each owner of
17 property within a residential subdivision is required to pay to the property owners'
18 association on a regular basis and that is designated for use by the property owners'
19 association for the benefit of the residential subdivision as provided by the dedicatory
20 instrument.

21
22 "Special assessment" means an assessment, a charge, a fee, or dues, other than a regular
23 assessment, that each owner of property within a residential subdivision is required to pay
24 to the property owners' association, according to the procedures required by the
25 dedicatory instrument, for:

- 26
27 a. defraying, in whole or part, the cost whether incurred before or after the
28 assessment, of any construction or reconstruction, unexpected repair, or
29 replacement of a capital improvement in common areas owned by the
30 property owners' association, including the necessary fixtures and personal
31 property related to the common areas;
32 b. maintenance and improvement of common areas owned by the property
33 owners' association; or
34 c. other purposes of the property owners' association as stated in its articles of
35 incorporation or the dedicatory instrument for the residential subdivision.

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37
38 **(q) Streets and Access to Adjoining Properties**

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40 (a) Enclave subdivisions must be constructed with all streets designed to the standards
41 for a "Local Type A or B" public street including full rights-of-way, sidewalks on both
42 sides and curbs.(35-506)

43
44 (b) Collector and Arterial Streets shall not be gated and shall be public within an
45 Enclave subdivision.
46

1 (c) The Planning Commission may require a public street through or stub out within
2 an Enclave subdivision for the purpose of connectivity, avoidance of land locking
3 adjacent properties, and provision of public services.

4
5 **(r) Converting Private Streets to Public Streets**

6
7 Private streets may be considered at the discretion of the City Council for conversion to
8 public streets under the procedures and specifications found in Section 35-506,
9 Transportation and Street Design, (j) Private Streets, (5) Converting Private Streets into
10 Public Streets.

11
12 **SECTION XX.** Chapter 35, Article V, Section 35-506, Transportation and Street Design
13 is amended as follows:

14
15 **35-506 Transportation and Street Design**

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17 * * * * *

18
19 **(j) Private Streets.**

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21 • **Applicability**

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23 Private Streets are permitted within Planned Unit Developments, the Business Park (BP)
24 zoning district, and manufactured home/recreational vehicle parks subject to the design
25 criteria and standards of this section. Private streets are only allowed within an Enclave
26 subdivision subject to being designed and constructed to the standards of a public street.
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